

REMARKS/ARGUMENTS

Claims 1, 7, 11, 21, 23-24, 33, and 36 are amended by this response. Claim 30 has been canceled, and claims 52-59 added, by this response. Upon entry of the above-referenced amendments, claims 1-29 and 31-59 will be pending.

The Examiner objected to drawing Figure 3A. This Figure has now been amended to label with text the various elements illustrated therein. Support for this amendment is present in the specification as originally filed, at least at page 15, lines 6-15 and page 17, lines 1-4. Attached hereto is an Appendix including the amended drawing figure.

The Examiner objected to the abstract, and to several passages in the written description. As indicated above, the specification has now been amended in the manner suggested by the Examiner.

The Examiner objected to claim 30 as a duplicate of claim 29. Claim 30 has now been canceled.

The Examiner also objected to various informalities of claim 36. Claim 36 has now been amended in the manner suggested by the Examiner.

The Examiner rejected claims 7, 23, and 24 as indefinite under 35 U.S.C. 112, ¶2. Claim 7 has now been amended to recite a "training set". Support for this amendment may be found in the specification as originally filed, at least at page 23, lines 22-28. The preambles of claims 23-24 have now been amended to recite a system rather than a product.

The Examiner has issued a number of provisional double patenting rejections based upon claims of certain co-pending applications. Applicants acknowledge these provisional rejections, but in the absence of grant of any of the purportedly conflicting claims, decline to respond at this time. Per MPEP 804(I)(B), the Examiner is reminded that should all but these double patent rejections be overcome by the instant response, the Examiner should withdraw these provisional rejections and allow the instant application to issue, with the provisional rejections maintained in the co-pending applications.

Claim Rejections Under 35 U.S.C. 102 and 35 U.S.C. 103

Embodiments in accordance with the present invention relate to systems for monitoring and controlling complex processes. Figure 1 illustrates a generic version of one type of system in accordance with the present invention:

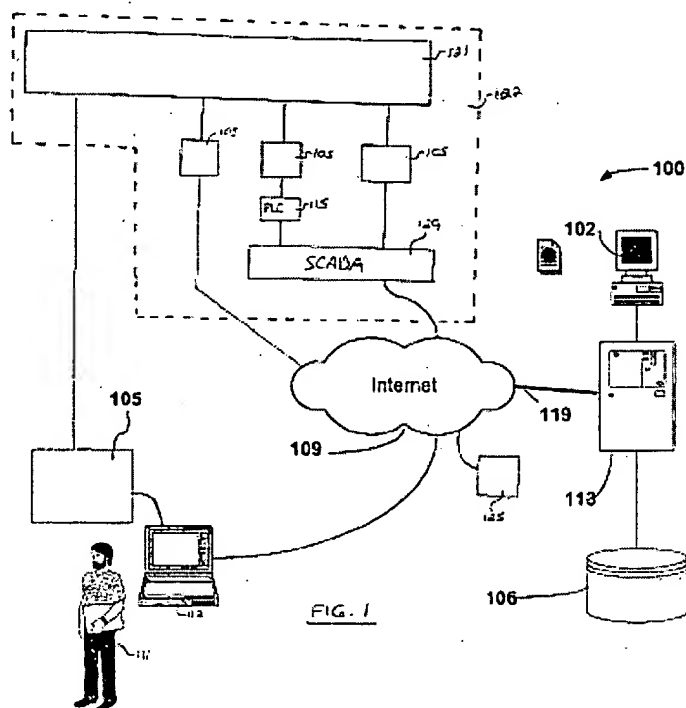


Fig. 1 also shows that internet 109 is linked to one or more external systems 125. Examples of such external systems include Enterprise Resource Planning (ERP) systems and Lab Information Management Systems (LIMS). External system 125 could also be a duplicate or sister process of process 121, such that the state of process 121 may be externally validated by comparison with the results of the second process. (Emphasis added; page 8, line 33 - page 9, line 3)

Accordingly, the claims have now been amended to describe systems featuring data sources other than the process being monitored or controlled. Reliance upon external data sources in accordance with embodiments of the present invention is discussed throughout the specification as originally filed, and in particular in Figure 3A and accompanying discussion at page 15, lines 1-18, and at page 17, line 17 - page 18, line 3.

The Examiner rejected all of the pending claims as either anticipated or obvious based upon U.S. patent no. 6,414,594 to Guerlain et al. ("the Guerlain patent"), taken alone or in combination with other patents. These claim rejections are overcome as follows.

As a threshold matter, the Examiner is reminded that pending claims 1,3-4, 7-11, 13-14, 16, 18-20, 33, and 46-50 stand rejected as anticipated, and not merely obvious, in light of the Guerlain patent:

[t]he distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (Emphasis added; MPEP 706.02)

Like the instant application, the Guerlain patent relates to process control systems. Unlike the instant patent application, however, the Guerlain patent signally fails to teach, or even suggest, a system which references external data sources. Rather, the system described by the Guerlain patent features process modules devoted to monitoring characteristics of the particular process. There is no teaching or suggestion in the Guerlain patent to reference external sources of data.

In light of the failure of the Guerlain patent relied upon by the Examiner to teach every aspect of the claimed invention, it is respectfully asserted that the anticipation claim rejections are improper and should be withdrawn.

The remaining claims of the instant application have been rejected as obvious under the Guerlain patent, taken in combination with U.S. patent no. 6,409,909 to Spichiger-Keller ("the Spichiger-Keller patent") or U.S. patent no. 5,949,678 to Wold et al. ("the Wold patent"). These claim rejections are overcome as follows.

The Examiner is further reminded that in order to establish a prima facie case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 2142.

Here, the conspicuous absence of any teaching by the Guerlain patent regarding external sources of data, is not remedied by inclusion of either the Spichiger-Keller or Wold patents.

Specifically, the Spichiger-Keller patent relates to utilizing a variety of different types of modular sensors to monitor a process. There is, however, no teaching or even suggestion in the Spichiger-Keller patent to rely upon data sources external to the process in order to perform this function.

Similarly, the Wold patent relates to a process monitoring system wherein detected variables of a multivariate process are compared with a predictive model. The Wold patent contains no teaching, or even suggestion, to utilize data sources other than information from the particular process being monitored.

In light of the failure of the combined references relied upon by the Examiner to teach every aspect of the claimed invention, it is respectfully asserted that the claim rejections based upon obviousness are improper and should be withdrawn.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is urged. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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Attachments
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